

SURFACE TRANSPORTATION BOARD

Docket No. FD 35873

NORFOLK SOUTHERN RAILWAY COMPANY—ACQUISITION AND OPERATION—  
CERTAIN RAIL LINES OF THE DELAWARE AND HUDSON RAILWAY COMPANY,  
INC.

Decision No. 3

Decided: January 13, 2015

NOTICE TO THE PARTIES:

The attached service list has been compiled from notices of intent to participate submitted in accordance with the procedural schedule set forth in this proceeding as described in Decision No. 1, served on December 16, 2014. 79 Fed. Reg. 76,446-51.

Each person actively participating as a Party of Record in this proceeding must, by January 23, 2015, serve a copy of all filings submitted so far in this proceeding on each Party of Record (designated on the attached service list as “Party of Record”) to the extent such filings have not previously been served upon such other parties. Each Party of Record also will be required to file with the Board, by January 23, 2015, a certificate of service, indicating that the service required by the preceding sentence has been accomplished.

Any document filed in this proceeding must be filed either via the Board’s e-filing format or in the traditional paper format. Any person e-filing a document should attach the document and otherwise comply with the instructions found on the Board’s website at “[www.stb.dot.gov](http://www.stb.dot.gov)” at the “E-FILING” link. Any person filing a document in the traditional paper format should send to the Board an original and 10 paper copies of the document (and also an electronic version).

Every filing made by a Party of Record after the service date of this Notice must have its own certificate of service indicating that all Parties of Record on the service list have been served with a copy of the filing. As stated in Decision No. 1, Members of the United States Congress and Governors are not Parties of Record and, therefore, need not be served with copies of filings, unless any such Member of Congress or Governor has requested to be, and is designated as, a Party of Record.

All persons on the attached service list should review the list and determine whether information about their address and status (as a Party of Record or Non-Party) is correct. The list reflects the Board’s policy of allowing only one official representative per party to be placed on the service list. In this proceeding, if a request was made in the notice of intent to participate to

have more than one name added to the service list as a Party of Record representing a particular entity, the extra name was added to the service list as a “Non-Party.” Any person designated as a Non-Party will receive copies of Board decisions, orders, and notices but not copies of official filings. All filings can be viewed on the Board’s website. Persons seeking to change their status must accompany that request with a written certification that he or she has complied with the service requirements set forth at 49 C.F.R. § 1180.4, and any other requirements set forth in Decision No. 1 and this notice.

Requests to change or correct service list information, or to be deleted from the service list, must be filed **in writing** with the Board by January 23, 2015. Parties must submit such requests either via the Board’s e-filing format or in the traditional paper format (original plus 10 copies). Requests submitted in the paper format should be directed to:

Surface Transportation Board  
Re: Docket No. FD 35873  
395 E Street, S.W.  
Washington, DC 20423-0001

**Late-filed notices of intent to participate.** The Board received late-filed notices of intent to participate in this proceeding from the following persons: (1) Randall C. Gordon, President, National Grain and Feed Association (NGFA), with Thomas W. Wilcox of the law firm GKG Law, PC, counsel for NGFA, as Non-Party, received January 8, 2015; and (2) John D. Heffner of the law firm Strasburger & Price, LLP, counsel for the Port Authority of New York and New Jersey, received January 9, 2015. Because no party will be prejudiced by the late filing of these notices of intent to participate, the Board accepts the late-filed notices and the above names will be added to the service list as Parties of Record and Non-Parties, as appropriate, representing the specified entities.

By the Board, Rachel D. Campbell, Director, Office of Proceedings.

**SERVICE LIST**

**PARTY OF RECORD**

William A. Mullins  
Baker & Miller PLLC  
2401 Pennsylvania Avenue, N.W.  
Suite 300  
Washington, DC 20037

**Represents:** Norfolk Southern Railway Company

**PARTY OF RECORD**

Jeffrey A. Bartos  
Guerrieri, Clayman, Bartos & Parcelli, PC  
1900 M Street, N.W.  
Suite 700  
Washington, DC 20036

**Represents:** International Association of Machinists & Aerospace Workers, AFL-CIO  
District Lodge 19

**PARTY OF RECORD**

Eric M. Hocky  
Clark Hill PLC  
One Commerce Square  
2005 Market Street  
Suite 1000  
Philadelphia, PA 19103

**Represents:** Buffalo & Pittsburgh Railroad, Inc., New England Central Railroad, Inc.,  
Rochester & Southern Railroad, Inc., and Wellsboro & Corning Railroad, LLC (collectively,  
GWI Subsidiaries)

**PARTY OF RECORD**

Richard S. Edelman  
Mooney, Green, Saindon, Murphy and Welch, PC  
1920 L Street, N.W.  
Suite 400  
Washington, DC 20036

**Represents:** The Brotherhood of Maintenance of Way Employees Division/IBT and  
Brotherhood of Railroad Signalmen

**PARTY OF RECORD**

Keith D. Martin  
AICP, Associate Attorney, Division of Legal Affairs  
New York State Department of Transportation  
50 Wolf Road  
6th Floor  
Albany, NY 12232

**Represents:** New York State Department of Transportation

**PARTY OF RECORD**

Vincent P. Szeligo  
Wick, Streiff, Meyer, O'Boyle & Szeligo  
1450 Two Chatham Center  
Pittsburgh, PA 15219

**Represents:** U.S. Clay Producers Traffic Association

**PARTY OF RECORD**

John D. Heffner  
Strasburger & Price, LLP  
1025 Connecticut Avenue, N.W.  
Suite 717  
Washington, DC 20036

**Represents:** Saratoga & Northern Creek Railway, Port Authority of New York and New Jersey

**PARTY OF RECORD**

Jeffery K. Stover  
Executive Director  
SEDA-COG Joint Rail Authority  
201 Furnace Road  
Lewisburg, PA 17837

**Represents:** SEDA-COG Joint Rail Authority

**PARTY OF RECORD**

Gordon P. MacDougall  
1025 Connecticut Avenue, N.W.

Washington, DC 20036

**Represents:** Samuel J. Nasca, for and on behalf of United Transportation Union-New York State Legislative Board

**PARTY OF RECORD**

Eric B. Lee  
Attorney At Law  
415 Woodland Road  
Syracuse, NY 13219

**Represents:** Owego Harford Railway Inc., Luzerne and Susquehanna Railway Co., Meridian Southern Railway, LLC, and Lehigh Railway, LLC

**PARTY OF RECORD**

Joseph R. Waala  
Senior Counsel  
PPL Services Corporation  
Two North Ninth Street  
Allentown, PA 18101

**Represents:** PPL EnergyPlus, LLC

**PARTY OF RECORD**

Thomas F. McFarland  
208 South LaSalle Street  
Suite 1890  
Chicago, IL 60604

**Represents:** CNJ Rail Corporation

**PARTY OF RECORD**

David F. Rivkind  
Stinson Leonard Street  
1775 Pennsylvania Avenue, N.W.  
Suite 800  
Washington, DC 20006

**Represents:** Delaware & Hudson Railway Company, Inc.

**PARTY OF RECORD**

James Riffin  
1941 Greenspring Drive  
Timonium, MD 21093

**PARTY OF RECORD**

Lawrence C. Malski  
President  
Pennsylvania Northeast Regional Railroad Authority  
280 Cliff Street  
Scranton, PA 18503

**Represents:** Pennsylvania Northeast Regional Railroad Authority

**PARTY OF RECORD**

Kevin Moore  
General Chairman  
Brotherhood of Locomotive Engineers and Trainmen, D&H/ST/SLR/MMC General  
Committee of Adjustment  
3 Deer Hollow Road  
Plaistow, NH 03865

**Represents:** Brotherhood of Locomotive Engineers and Trainmen, D&H/ST/SLR/MMC  
General Committee of Adjustment

**PARTY OF RECORD**

Charles A. Spitulnik  
Kaplan Kirsch & Rockwell LLC  
1001 Connecticut Avenue, N.W.  
Suite 800  
Washington, DC 20036

**Represents:** Maryland Department of Transportation

**PARTY OF RECORD**

Andrew Fleck  
Real Estate Manager  
NL Industries, Inc.  
5430 LBJ Freeway  
Suite 1700  
Dallas, TX 75240

**Represents:** NL Industries, Inc.

**PARTY OF RECORD**

Randall C. Gordon  
President  
National Grain and Feed Association  
1250 Eye Street, N.W.  
Suite 1003  
Washington, DC 20005

**Represents:** National Grain and Feed Association

**MEMBER OF CONGRESS**

The Honorable Robert P. Casey, Jr.  
United States Senate  
Washington, DC 20510

**NON-PARTY**

Kyle A. DeCant  
Guerrieri, Clayman, Bartos & Parcelli, PC  
1900 M Street, N.W.  
Suite 700  
Washington, DC 20036

**Represents:** International Association of Machinists & Aerospace Workers, AFL-CIO  
District Lodge 19

**NON-PARTY**

Allison M. Fergus  
General Counsel and Secretary  
Genesee & Wyoming Inc.  
20 West Avenue  
Darien, CT 06820

**Represents:** Buffalo & Pittsburgh Railroad, Inc., New England Central Railroad, Inc.,  
Rochester & Southern Railroad, Inc., and Wellsboro & Corning Railroad, LLC (collectively,  
GWI Subsidiaries)

**NON-PARTY**

Raymond Hessinger  
Director, Freight & Passenger Rail Bureau  
New York State Department of Transportation  
50 Wolf Road  
Pod 5-4  
Albany, NY 12232

**Represents:** New York State Department of Transportation

**NON-PARTY**

Kelvin J. Dowd  
Slover & Loftus LLP  
1224 Seventeenth Street, N.W.  
Washington, DC 20036

**Represents:** PPL EnergyPlus, LLC

**NON-PARTY**

Thomas W. Wilcox  
GKG Law, PC  
1054 31st Street, N.W.  
Suite 200  
Washington, DC 20007

**Represents:** National Grain and Feed Association